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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 | CHARLES S. LONGSHORE,

9 | Plaintiff,

10 | v.

11 | MASON COUNTY JAIL, et al.,

12 | Defendants.

CASE NO. C12-5457 BHS-JRC

ORDER

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14   This matter comes before the Court on Plaintiff Charles Longshore's

15 ("Longshore") objection to the order denying his motion for appointment of counsel.

16 Dkt. 48.

17   On December 20, 2012, Longshore filed a motion for appointment of counsel.

18 Dkt. 37. On January 10, 2013, United States Magistrate Judge J. Richard Creatura denied

19 the motion. Dkt. 48. On January 17, 2013, Longshore filed an objection. Dkt. 48.

20   When an objection is filed to a nondispositive order, the district judge "must

21 consider timely objections and modify or set aside any part of the order that is clearly

22 erroneous or is contrary to law." Fed. R. Civ. P. 72(a).

ORDER - 1

1   In this case, Longshore has failed to show that Judge Creatura's order is clearly

2 erroneous or contrary to law. The undersigned agrees with Judge Creatura that

3 Longshore has failed to show exceptional circumstances or a likelihood of success on the

4 merits. The fact that Longshore's complaint survived judicial screening and was served

5 on some defendants does not mean that he is likely to succeed on the merits. Moreover,

6 Longshore appears to be able to sufficiently articulate his claims such that they may be

7 decided on the merits. Therefore, the Court declines to modify or set aside any part of

8 Judge Creatura's order.

9   **IT IS SO ORDERED.**

10   Dated this 7th day of February, 2013.

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BENJAMIN H. SETTLE
United States District Judge

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ORDER - 2